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10/089,504	07/29/2002	Peter Brune	RBL0087	9383

7590
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Baker & Daniels
Suite 800
111 East Wanev Street
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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>10/087507</u>	Applicant(s) <u>Caslay</u>	
	Examiner <u>Akers, J</u>	Art Unit <u>3624</u>	Confirmation No. <u>1</u>

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/13/03
- ☒ This action is FINAL. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 7-18 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment B(Paper #13) filed 6/13/03.
2. Claims 1-5 and 7-13 were amended. New claims 14-18 were added. Claim 6 had been previously withdrawn.
3. Claims 1-5, 7-18 as amended and added, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-18 are rejected under 103(a) as unpatentable over Farris(US Pat. No:6,125,113) in view of Jain(US Pat. No:6,282,274) in view of Ronnecke(US Pat. No: 6,515,989) and further in view of Lesley(US Pat. No: 6,188,752).
6. As per claims 1-5, 7-18 Farris teaches a method for using the Internet to make calls (Abstract)(Fig 1-16)(col 3 line 60-col 4 line 10). Jain teaches selectable billing options for a communications account whereby billing options for outgoing and incoming calls on a per call basis are made(Abstract)(Fig 3A)(Fig 3B)(Fig 5)(col 3 line 66-col 5 line 28). Ronnecke teaches collecting per packet billing data on a packet data service(Abstract)(Fig 1)(Fig 2) on a mobile

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link network. Lesley teaches a method for providing paid telecommunications services by maintaining a charged account in a database from which to draw funds for payment of services (Abstract) (col 1 line 11-col 3 line 54) (Figs 1-5). It would have been obvious to one skilled in the art at the time of the invention to combine Farris in view of Jain in view of Ronnecke and further in view of Lesley to teach the invention. The motivation to combine Farris in view of Jain is to teach part of the above. The motivation to combine is to teach a method to allocate usage on items as client accounts on a unit basis as enunciated by Jain (col 3 lines 42-44). Also, it would have been obvious to one skilled in the art at the time of the invention to combine Farris in view of Jain and further in view of Ronnecke to teach the above. The motivation to combine is to teach a mobile data service that is capable of providing billing functions which can be applied to Internet transactions as enunciated by Ronnecke (col 2 lines 10-13). Furthermore, it would have been obvious to one skilled in the art at the time of the invention to combine Farris in view of Jain in view of Ronnecke and further in view of Lesley to teach the invention. The motivation to combine is to teach a means of providing prepaid telecommunications services for a customer using the telecommunications network as enunciated by Lesley (col 1 lines 60-62).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-5, 7-18 are further rejected under 35 USC 112(2nd) for failing to point out and distinctly claim what applicant regards is the invention. No novelty is shown.

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Response to Arguments

9. Applicant's arguments with respect to claims 1-5, 7-18 have been considered but are moot in view of the additional(new) necessitated ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the additional(new) ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are

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unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

June 30, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER